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ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/13/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD LEBRON,

Plaintiff,

-against-

RAUL RAMOS, M.D., Sight Medical Director, North
Infirmiry Command; WOLF, Registered Nurse, Hemo-
Dialysis Nurse, North Infirmiry Command; CORREA,
correction Officer, North Infirmiry Command; NWAGWU,
Correction Officer, North Infirmiry Command,

Defendants.

1:19-cv-2598-MKV

AMENDED ORDER

MARY KAY VYSKOCIL, United States District Judge:

The history of the discovery delays in this case is recounted in the Court's Order dated October 20, 2021. [ECF No. 93]. On December 2, 2021, Defendants filed a letter requesting a *fifth* extension of the time to complete discovery. [ECF No. 98]. At the direction of the Court, Defendants filed another letter on December 9, 2021 with the status of discovery in this case. [ECF No. 101]. In that letter, Defendants represent that Plaintiff appeared for a deposition on December 6, 2021. Further, on December 7, 2021, Defendants received Plaintiff's responses to their interrogatories and document requests, however, he did not answer some of the interrogatories or any of the document requests.

Subsequently, on December 7, 2021 and December 9, 2021, Defendants served post-EBT demands for discovery on Plaintiff. Specifically, Defendants demanded HIPAA authorizations for the providers Plaintiff testified about at his deposition, and a copy of Plaintiff's journal or diary regarding his medical treatment which Plaintiff testified about at his deposition.

As such, IT IS HEREBY ORDERED that Defendants' request for a 30-day extension to the fact discovery deadline is GRANTED. The fact discovery deadline is extended from November 30, 2021 to January 17, 2022.

IT IS FURTHER ORDERED that the post-fact discovery conference scheduled for December 14, 2021 at 3:30 PM is ADJOURNED to February 8, 2022 at 3:30 PM. The conference will be held telephonically. To join the conference, dial 888-278-0296 and enter access code 5195844. Defendants shall make all necessary arrangements with the Elmira Correctional Facility to have Plaintiff produced at a suitable location within Elmira Correctional Facility equipped with a telephone to participate in the conference. On or before January 31, 2022, the parties shall submit a joint status letter with the information outlined in paragraph 16 of the Case Management Plan and Scheduling Order [*see* ECF No. 63].

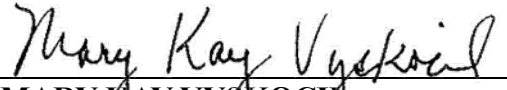
PLAINTIFF IS ON NOTICE THAT FURTHER NONCOMPLIANCE WITH DISCOVERY OBLIGATIONS MAY RESULT IN SANCTIONS, INCLUDING PRECLUSION OF RELIANCE ON ANY MATERIAL NOT PROVIDED TO DEFENDANTS, PRECLUSION OF CLAIMS, AND/OR DISMISSAL OF THE CASE. PLAINTIFF ALSO RISKS DISMISSAL OF THE CASE FOR FAILURE TO PROSECUTE. DISCOVERY IN THIS CASE HAS BEEN EXTENDED FIVE TIMES AND PLAINTIFF HAS BEEN REPEATEDLY WARNED THAT NONCOMPLIANCE WITH DISCOVERY OBLIGATIONS MAY RESULT IN SANCTIONS. THIS IS PLAINTIFF'S FINAL WARNING TO COMPLY WITH HIS DISCOVERY OBLIGATIONS. ABSENT EXTRAORDINARY CIRCUMSTANCES, THE FACT DISCOVERY DEADLINE WILL NOT BE EXTENDED AGAIN.

The Clerk of Court is respectfully requested to strike the order at docket entry 102.

The Clerk of Court is respectfully requested to mail a copy of this Order to the *pro se* Plaintiff at the address of record.

SO ORDERED.

Date: December 13, 2021
New York, NY



MARY KAY VYSKOCIL
United States District Judge